

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**UNITED STATES OF AMERICA,**

**DOCKET NO. 3:07cr79**

**V.**

**ORDER**

**RUBEN NOYOLA GARCIA**

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This MATTER is before the Court on Defendant's Pending Motion, (Doc. No.451) Motion to Amend/Correct(244) Presentence Investigation Report.

Mr. Garcia seeks the "correction" of his presentence report, asserting that the report incorrectly states that one of his offenses was punishable by a mandatory-minimum term of 10 years and up to life in prison and that he received a role -in-the-offense offense-level adjustment of four levels. In this Court's statement of reasons, this Court made it clear that both of Mr. Garcia's offenses were punishable by a mandatory-minimum of 5 years in prison and maximum of 40 years in prison. This Court made it clear that it found that a three-offense-level upward adjustment applied based on Mr. Garcia's role in the offense, not a four-offense-level adjustment. This Court did not adopt those sections of the presentence report Mr. Garcia challenges.

Mr. Garcia has not identified any clerical error subject to correction under Rule 36.

IT IS ORDERED, that Defendant's Motion (Doc. No. 451) is **DENIED**.

Signed: October 21, 2021

  
Frank D. Whitney  
United States District Judge

